



South Coast Air Quality Management District

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Rule 118 Executive Order #07-02

WHEREAS, District Rule 118 authorizes the Executive Officer to suspend all or part of any District rule for emergency activities in up to 10-day increments during a state of emergency declared by the Governor; and

WHEREAS, on January 12, 2007, the Governor proclaimed a State of Emergency resulting from continued cold weather conditions in many areas of the state; and

WHEREAS, the Governor's proclamation directed local and state agencies to assist with efforts to protect crops and coordinate financial assistance efforts for agriculture and the industry that supports agriculture; and, to lessen the economic impact to the people who work in the agricultural industry; and

WHEREAS, the burning of agricultural waste is the most immediate or only option available to many growers to protect crops from frost damage, and

WHEREAS, the agriculture industry may conduct the open burning of agricultural waste that can emit significant amounts of air pollution that adversely affects public health; and

WHEREAS, Health & Safety Code 41862 allows a district to issue a permit to authorize agricultural burning on days designated as non-burning days by the State Air Resources Board when denial of such a permit would threaten imminent and substantial economic loss, and the action taken in this Executive Order is consistent with that section.

WHEREAS, under the provisions of Rule 118(d)(1) I hereby determine and declare that requiring strict compliance with Rule 444, for open burning of agricultural waste, and not allowing burning subject to reasonable conditions, would adversely affect public health due to potential widespread violations of the rule and burning of materials that may be deleterious to public health, would threaten imminent and substantial economic loss pursuant to Health & Safety Code 41862.

WHEREAS, in order to protect public health from the adverse effects of air pollution resulting from the open burning of these agricultural wastes, it is necessary to impose reasonable conditions on such operations; and

WHEREAS the South Coast AQMD is authorizing the Riverside and San Bernardino County Fire Protection Agencies to issue open burn permits to burn agricultural waste to protect crops during this emergency situation,

NOW, THEREFORE, pursuant to the authority vested in me pursuant to District Rule 118(d)(1) I hereby suspend applicable sections of Rule 444 , and any permit conditions limiting hours of operation of open burning of agricultural waste as defined in herein, provided that:

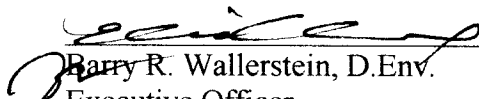
1. The temperature is or is reasonably anticipated to be below 40° Fahrenheit.
2. The Agricultural Waste does not include items such as, plastic, rubber, chemically treated wood, or material containing asbestos, garbage, oil filters, tires, tar paper, pesticide and fertilizer containers, or packaging materials, or any materials excluded from the definition of agricultural waste by Rule 444 (c)(3).

This order supersedes Rule 118 Executive Order #07-01 dated January 19, 2007.

This order shall expire on Sunday, February 4, 2007 or when the State of Emergency declared by the Governor on January 12, 2007, ceases to exist, whichever comes earlier.

DATED: January 25 2007

Executed at Diamond Bar, California, on January 25, 2007.


Barry R. Wallerstein, D.Env.
Executive Officer